

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Senator Jansen

ENROLLED SENATE BILL No. 8

AN ACT to provide for certain municipal joint endeavors; to provide standards for those municipal joint endeavors; to provide powers and duties of a municipal joint endeavor; to authorize the levy of a property tax by a municipal joint endeavor; and to provide for the powers and duties of certain government officials.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "municipal partnership act".

Sec. 2. As used in this act:

- (a) "Authority" means an authority formed by contract pursuant to this act.
- (b) "Governing body" means the board, council, commission, or body in which the policy-making powers of the local government are vested.
- (c) "Local government" means a county, city, village, or township.
- (d) "Public agency" means a single- or multi-purpose public body corporate formed pursuant to a law other than this act or an Indian tribe recognized by the federal government before the year 2000 that exercises governmental authority over land within this state. Public agency does not include this state or a department, division, or agency of this state.

Sec. 3. (1) Two or more local governments or 1 or more local governments and a public agency are authorized to enter into a contract with each other to form a joint endeavor to perform or exercise any function, service, power, or privilege that the local government or public agency could each exercise separately.

(2) A contract entered into pursuant to subsection (1) shall be approved by resolution of the governing body of each participating local government.

Sec. 4. (1) A contract to form a joint endeavor under this act shall include all of the following:

- (a) The purpose of the joint endeavor with reference to the functions, services, powers, or privileges to be performed or exercised and the methods by which the purpose will be accomplished or the manner in which the joint endeavor will be exercised or performed.
- (b) The duration of the contract, any method by which it may be terminated by any participating local government or public agency before the stated date of termination, and any method by which a participating local government or public agency may withdraw from participation in the joint endeavor.
- (c) If an authority is created by the contract, the precise organization, composition, and nature of that authority and its board with the functions, duties, obligations, powers, and privileges given to that authority and board.
- (d) If an authority is not created by the contract, the precise organization, composition, and nature of any separate legal or administrative entity created by the joint endeavor in the contract with the powers designated to that entity.
- (e) The designation and selection of officers of an authority, board, or any legal or administrative entity created by the joint endeavor in the contract.

(8) A tax authorized to be levied by a joint endeavor under this act shall be levied and collected at the same time and in the same manner as provided by the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

Sec. 8. This act provides authorization to enter into contracts that is in addition to and may be exercised separately from any authorization to enter into contracts under any other statute of this state.

Sec. 9. Except as otherwise provided in this section, if any provision of this act conflicts with any local charter provision or any local ordinance, the provisions of this act shall control. The authority to enter into a contract pursuant to this act shall not be affected by any condition or limitation that may be imposed by any local charter provision or local ordinance. However, this act shall not affect any rights of any party under 1947 PA 336, MCL 423.201 to 423.217, except as specifically provided in section 12. In addition, this act does not modify the provisions of 1969 PA 312, MCL 423.231 to 423.247.

Sec. 10. A contract entered into pursuant to this act shall not be subject to referendum under any local charter provision or local ordinance.

Sec. 11. A joint endeavor formed under this act is subject to the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.

Sec. 12. (1) The local governments that are parties to a contract entered into pursuant to this act have the responsibility, authority, and right to manage and direct on behalf of the public the functions or services performed or exercised in connection with the contract.

(2) The following are prohibited subjects of collective bargaining between a local government and a bargaining representative of its employees:

(a) A decision as to whether or not the local government will enter into a contract for a joint endeavor pursuant to this act for or in connection with 1 or more functions or services.

(b) The procedures for obtaining the contract for a joint endeavor pursuant to this act.

(c) The identities of the other parties to the contract for a joint endeavor pursuant to this act.

(3) Except as otherwise provided in this section, the contents or language of a contract for a joint endeavor under this act shall be a permissive subject of collective bargaining between a local government and a bargaining representative of its employees. If a local government and a bargaining representative of its employees engage in collective bargaining before the contract for a joint endeavor is approved as provided in section 3(2) and that local government and that bargaining representative reach an agreement on issues that would obligate an entity that will function as an employer in the joint endeavor, then the contract for that joint endeavor shall include those obligations.

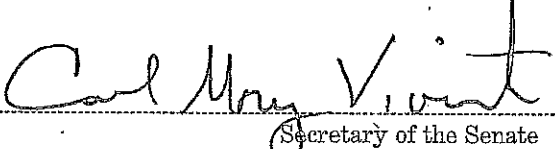
(4) Nothing in this act creates an employment relationship between the existing employees of a local government or a public agency and the proposed joint endeavor.

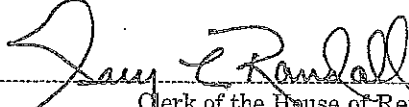
(5) Nothing in this act relieves a local government of the duty, to the extent a duty exists under applicable law, to collectively bargain with its employees over the effect of the joint endeavor on its employees.

Sec. 13. Nothing in this act authorizes or shall be construed to authorize the construction of any tunnel, bridge, or other infrastructure that is part of or related to an international border crossing.

Enacting section 1. This act does not take effect unless Senate Bill No. 9 of the 96th Legislature is enacted into law.

This act is ordered to take immediate effect.


Secretary of the Senate


Clerk of the House of Representatives

Approved 12/13/11 9:22 AM


Governor